

REMARKS/ARGUMENTS

The "Office Action Summary" accompanying the Official Action of August 25, 2004, states in Section 4) that claims 1-5 are pending in the Application, however, Section 7) acknowledges the presence of claims 6-15, albeit objected to. Clarification is courteously requested.

In response to the Examiner's remarks appearing on page 2 of the Official Action of August 25, 2004, the Abstract of the Disclosure has been appropriately amended.

The first section on page 1 of the Specification relating to the "CROSS-REFERENCE TO RELATED APPLICATIONS, has been cancelled.

The Specification has been reviewed to identify and correct errors which may have occurred in the translation process, as mentioned at page 2 of the Official Action. This paper provides for corrections to paragraphs [0012] and [0022].

The objection to claims 6-15 as being multiple dependent claims dependent from another multiple dependent claim has been corrected. The claims now presented for further examination no longer have multiple dependencies. Accordingly, withdrawal of the objection to claims 6-15 is courteously requested.

At page 3 of the Official Action, claims 1-5 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. More specifically, original claims 1, 3 and 5 were found to contain indefinite language, namely "especially"; not surrounded on all sides as failing to meet the requirements for a "rectangle", and lack of antecedent support for "...shoulder."

The term "especially" has been eliminated from the claims.

The subject matter of original claim 3, now appears in currently amended claim 5. The original language "essentially rectangular opening that is open on one side" was allegedly indefinite. This language has been modified in claim 5 to recite "...essentially rectangular cut-out that is open on one side...." This language is believed to be reasonably precise and clear, and therefore, meets the criteria of the second paragraph of 35 U.S.C. 112. One of ordinary skill in this art would immediately understand what this language is intended to encompass. The standard of language clarity is not one of pin-point accuracy, but need only meet a standard of reasonable clarity to one of ordinary skill in the art. Applicants submit, the language now appearing in claim 5 with respect to the rectangular cut-out is reasonably precise and clear as to

nature of the structural feature recited, and therefore, the amended language of claim 5 is in compliance with the requirements of 35 U.S.C. 112, second paragraph.

The subject matter of original claim 5 is now recited in Currently Amended Claim 7, and is dependent from Currently Amended Claim 6, the latter of which provides antecedent support for “shoulder” as used in Claim 7.

Reconsideration and withdrawal of the rejection of claims 1-5 as being indefinite under the second paragraph of 35 U.S.C. 112, are courteously requested.

At page 3 of the Official Action, claims 1-2 were rejected under 35 U.S.C. 102(b) as being anticipated by Haas et al (US Pat. 6,142,115). This ground of rejection is respectfully traversed as it applies to the claims now presented for further examination.

Haas et al disclose on a selective basis certain parts of a vibration damper which may be formed from sheet metal, namely lids 233 and 234; input element 11, a non-rotatable component rigidly affixed to snout 6 by a threaded fastener 12, and parts 16-17 of the mass or flywheel 15.

Importantly, however, Haas et al fail to teach or suggest the novel and non-obvious vibration damping apparatus of currently amended claim 1, etc. providing for a housing base in combination with a housing cover, wherein both the housing base and cover are formed from sheet metal.

In view of the failure of Haas et al to teach Applicants’ specifically claimed combination, currently amended claim 1, and claims dependent therefrom would be novel under 35 U.S.C. 102(b). Furthermore, since Haas et al fail to suggest other components, such as Applicant’s housing base as being suitably formed from sheet metal parts, new and currently amended claims 1-18 would also be non-obvious under 35 U.S.C. 103.

Accordingly, in view of the foregoing remarks and amended claims favorable reconsideration and withdrawal of the rejection of claims 1-18 as unpatentable over Haas et al under 35 U.S.C. 102(b) are courteously solicited.

Applicants’ wish to acknowledge with thanks Examiner Kamen’s indication that claims 3 –5, although objected to, would nevertheless be allowable if rewritten to overcome the formality rejection under 35 U.S.C. 112, second paragraph, and the limitations from the preceding claims are included. Applicants believe currently amended claim 1 and claims dependent therefrom do

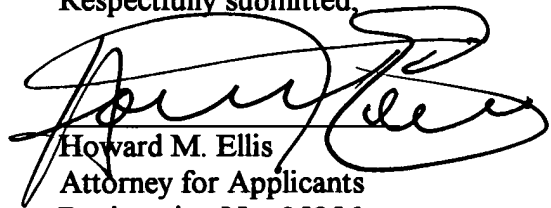
recite the required structural features to overcome the rejection of the claims under Section 112, while also avoiding the cited art (Haas et al).

Applicants wish to also acknowledge with thanks Examiner Kamen's return call to the undersigned attorney on 11/16/04, providing clarifying information relative to the citation of the Haas et al reference.

In view of the amendments to the specification and Abstract of the Disclosure , the currently amended claims and the foregoing remarks distinguishing over the applied art, this application should now be in condition for allowance. Notification of the same at an early date is earnestly solicited.

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Respectfully submitted,



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